

1892-022 Chancery Causes: Elkanah Pennington vs. Crab Orchard Coal & Iron Co.]
Lee Co.

CA-Debt
T-Property

To The Hon. St. S. H. Morison Judge of
The Circuit Court for Lee County:

Your Orator Elkanah Pennington humbly
complaining would respectfully represent unto
your honor that the Crab Orchard Coal and
Iron Company, a corporation organized and
existing under the laws of Virginia, purchased
from one Joseph Marcum and Margarette his
wife a valuable tract or parcel of land
lying and being in Lee County, Va., on the
waters of Jones' creek, in the Crab Orchard
Country; that said Company paid said
Marcum one-third of the purchase price
of said land; that it executed its notes for
the residue thereof—\$212 $\frac{50}{100}$, with interest
from April 9th 1890, due Apr 9th 1891,
and \$212 $\frac{50}{100}$, due on the day of
189 ; that at the time of said purchase
and execution of said notes said Marcums
made and delivered to said Company their deed
to said land, retaining therein their vendor's
lien until said deferred payments together
with their interests were wholly paid. A copy
of which deed is here filed marked "A" and
prayed to be considered as a part of this
bill.

Your orator will again represent and
show unto your honor that said note
due April 9th 1891, was by said Joseph
Marcum and Margarette his wife assigned
to one M. C. Parsons, and by said
Parsons to your orator; that said note
has not been paid, or any part thereof
to your orator or to either of said

Marcums or to said M. C. Parsons; that the same is still due from said Company to your said orator.

Now your orator is advised that the lien aforesaid retained in said deed upon said land ensures to your orator assignee, as aforesaid; that he is entitled to have said lien enforced in a court of chancery ^{against said land} and that only courts of chancery have jurisdiction of such causes.

Hence the prayer of your orator is, that the Crab Orchard Coal and Iron Company be made a party defendant to this bill; that it be required to answer the several allegations thereof as fully and completely as if specially interrogated thereto; that a decree be rendered your orator giving him judgment for said sum of money, and if the same be not paid within a reasonable time that a commissioner appointed for the purpose sell said land. And that all such other, farther and general relief be granted your orator as good conscience and the nature of his cause may demand. May process issue &c. And he will ever pray &c.

Pennington & Goins,
P. Q.

69.50
 8.50
 41.00
 25.00
 Tax 1.50
 26.50

235.37 = Amt.
 26.50 = Costs.
 13.09 = Coms
 274.96

Elkanah Pennington
 vs Bill Chancery.

Crab Orchard Coal & Iron Co.

Note Enclosed

1891. 1st Nov. Rules Bill

filed Spd Exd & D. Am

" 2d Nov. Rules D. Am

Coufd + Cause set.

for hearing by

Plaintiff.

" Nov. Decree for Sale + Costs

1892 Mr Cautioned

" April Special Term

Decree final

107.36

Elk. Pennington for the Compt.
as.

Crab Orchard Coal & Iron Co. vs. Elk

See Lohr

This cause came on again
to be heard upon the papers for-
merly read in the cause and
it being stated at bar that the
money decreed to Compt. has
been paid ^{together} with the costs, it is
adjudged, ordered & decreed that
said cause be stricken from
the docket.

Elk Pennsylvania Forest

vs } Decree final

Local Orchard Coal Shuttle

Entered Chey O.B.
page 379 April
6th 1892.

J. H. Hyatt

Enter this
April 6/92
H. S. K. M.

Elkanah Pennington,

Compl't,

vs. In Chancery.

Crab Orchard Coal & Iron Co. Dfts

This cause came on this day to be heard upon the Bill of the Complainant and exhibits filed there with, and it appearing that process has been duly served on said defendant for more than 15 days before the first day of this term of the court, and it failing to appear and plead or answer on motion of the Compl't, the court doth take his bill for confessed.

On consideration of all which and for reasons appearing to the court, it is adjudged, ordered and decreed that said Elkanah Pennington, assignee &c, do recover from the defendant the sum of \$212 ³⁰/₁₀₀ with legal interest thereon from the 9th day of April, 1890, until paid and the costs of this suit. And it is further adjudged, ordered and decreed that unless said defendant pay said sum of money, its interest and the costs of this suit in 30 days from the rising of this court, then A. M. Goins, who is hereby appointed a special commissioner for the purpose will proceed to sell the land in the bill and proceedings mentioned, or so much thereof as may be necessary to pay the said debt, its interest and the costs of this suit, on a credit of six months except a sum suffi-

cient to pay the costs, which he
will require to be paid down, and
for said deferred payment he will
take bond payable to himself with good
personal security. He will make said
sale at the front-door of the court-house
of Lee County on some court day
at public outcry and to the highest
bidder. Before proceeding to make said
sale he will advertise the time, terms and place
of sale for 30 days by notices posted at the
front door of the court-house of this county,
in the neighborhood of said land
and at such other places as he
may think necessary. But before
proceeding to execute the terms of this
decree he will execute bond before
the clerk of this court in the penalty
of \$500.00 conditioned as the law
requires in such cases. And this
cause is continued.

Elkanah Cunningham

vs. Decree No. 1.

Carb. O. Coal & Iron Co.

Ent'd Court 24.3.

Pages 368-9

Hyattsville

Enter this.

W. H. H. H.

Dec. 3, 1891.

\$212.50

City of Bristol, Va.,

Nov 6th, 1890

Office of the Crab Orchard Coal and Iron Co.,

On 9th April 1891

Months after date the "Crab Orchard Coal and Iron Company," promise to pay

Joseph Marcum & Wife

the sum of Two hundred & Twelve & $\frac{50}{100}$ Dollars,
from April 9th 1890

with six per cent interest after maturity, at the Company's Office in the city of Bristol, Virginia it being the 2nd payment on land this day sold and conveyed to said Company, and for value received. In witness whereof the Crab Orchard Coal & Iron Company has caused these presents to be signed by W. W. James, the Secretary and General Manager of said Company, and the said W. W. James has hereunto set his hand and seal the day and year first above written.

The Crab Orchard Coal and Iron Company,

By W. W. James (SEAL.)

Secretary and General Manager.

Margaret Marcum
Joseph Marcum
M. L. Parrow

For Collection for
POWELL'S VALLEY BANK
JONESVILLE, VA.
W. K. ARMSTRONG, CASHIER

POWELL'S VALLEY BANK

For Collection for

JONESVILLE, VA.

W. K. ARMSTRONG, CASHIER.

Date of Deed Nov. 3rd 1890-

Joseph Marcum + Margaret his wife

^{to}
The Crab Orchard Coal + Iron Company

Consideration \$637 ⁰⁰/₁₀₀ = 212 ³⁰/₁₀₀ paid down

One note payable Apr. 9th 1891 - one note payable
Apr 9, 1892

a vendors lien is hereby retained for
the deferred payments for the \$425.

Situated in Lee County on the waters
of Jones Creek in the Crab Orchard and
said to contain by recent survey 75 acres
Being the same Tract or Parcel of Land which
Harvey J. Parsons + Mary his wife by Deed
dated the 30th day of Sept. 1887

212.50 ¹²⁹ 1892-21
106 1890.4-9

1275-00

10125-

2287 $\frac{1}{2}$

10125-

22875-

21250

23537 $\frac{1}{2}$

26.50

261875-
5-

13,09875-

SALE OF LAND.

VIRGINIA, Lee County Circuit Court:

A. R. Near

Plaintiff,

vs.

In Chancery.

Emmett Moor et al

Defendant,

Pursuant to a decree rendered in this cause at the Sept term, 1881 the undersigned Commissioner will proceed to sell at the front door of the Courthouse of said County, on the first day of the Jan term 1881 of the County Court of said county, to the highest bidder on a credit of one + two years time the land in the bill of proceedings mentioned in the above styled cause, which is the John A. Moore farm situated on Blackwater Creek, Lee Co, Va., Except so much as may be necessary to pay \$2184.26 + interest thereon from Sept-1st 1891 and

except so much as may be necessary to pay the costs of suit and expense of sale will be required to be paid in hand, and for the remainder, bonds with good security will be required of the purchaser bearing interest from day of sale.

E. W. Brunning

COMMISSIONER.

The bond required by law has been given.

J. A. Hyatt Clerk.

The Commonwealth of Virginia.

the corporation of Bristol Va

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*The Crab Orchard
Coal and Iron Company a
corporation organized and existing
under the laws of Virginia.*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in ~~November~~ *it* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *it* by

Elkanah Pennington

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *20th* day of *October* 189*1*, in the 11*6* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(1891)

Elkanah Tinsley

vs  Spw in chey

Crab Orchard Coal Iron Co.

To 1st Nov. Rules 1891.

Executed on the 22^d
day of Oct 1891

~~by testimony~~ on
the Crab Orchard Coal
& Iron Company by deliver-
ing an office copy of
the within summons
to W W James Secretary
and General Manager
of the said Company
in the city of
Bristol Virginia the
said W W James
residing there in.

W. J. Cox
Sergeant

of said city